

# Exhibit C

**In the Matter Of:**

*EDWARD ALAN YEARTA vs  
AMUSEMENTS OF AMERICA  
2:17-cv-2117*

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*MARK LOVELL  
September 20, 2018*

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**30(b)(6)**  
**Mark Lovell - September 20, 2018**

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION

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EDWARD ALAN YEARTA,	)	
	)	
Plaintiff,	)	
	)	
VS.	)	Civil Action No.:
	)	2:17-cv-2117
AMUSEMENTS OF AMERICA,	)	
INC.; DELTA FAIR, INC.;	)	
UNIVERSAL FAIRS, LLC;	)	JURY DEMAND
and BELLE CITY AMUSEMENTS,	)	
INC.,	)	
Defendants.	)	
AMUSEMENTS OF AMERICA,	)	
INC.,	)	
	)	
Crossclaim Plaintiff,	)	
VS.	)	
	)	
BELLE CITY AMUSEMENTS,	)	
INC.,	)	
	)	
Crossclaim Defendant.	)	

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VIDEOTAPED PERSONAL DEPOSITION  
AND RULE 30(b)(6) DEPOSITION  
OF

MARK LOVELL

SEPTEMBER 20, 2018

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<p style="text-align: right;"><b>34</b></p> <p>1 question started with a preface, then you</p> <p>2 withdrew it. Now it's a new question, didn't</p> <p>3 have that same preface in it, so it made it all</p> <p>4 really confusing to me.</p> <p>5 You recall the first question was -- I</p> <p>6 would have to go back to the transcript, but --</p> <p>7 it set something aside, and then the second</p> <p>8 question didn't.</p> <p>9 MR. TEITENBERG: Why don't I just ask it</p> <p>10 over?</p> <p>11 BY MR. TEITENBERG:</p> <p>12 Q. Universal Fairs -- used the term "does</p> <p>13 fairs," and I think you have also used the term</p> <p>14 "operate fairs. "</p> <p>15 What do you mean when you say that?</p> <p>16 A. Say what?</p> <p>17 Q. Say that Universal Fairs does a fair?</p> <p>18 A. That means that we will find a city,</p> <p>19 slash, location, and then we will secure a lease</p> <p>20 agreement. Then we will find a ride company, and</p> <p>21 then we'll proceed with putting it on, buying</p> <p>22 attractions, buying advertising, soliciting for</p> <p>23 commercial vendors, soliciting for food</p> <p>24 concessions, procuring all the operations such as</p>	<p style="text-align: right;"><b>35</b></p> <p>1 fence, port-a-johns, dumpsters, all those things.</p> <p>2 That is what I call putting on a fair.</p> <p>3 Q. And are all those things that Universal</p> <p>4 Fairs, LLC does when they put on a fair the same</p> <p>5 thing that Delta Fair, Inc. does for the Delta</p> <p>6 Fair and Music Festival?</p> <p>7 A. I would say that every fair in the</p> <p>8 country is put on pretty much the same way. They</p> <p>9 need a location. They need a ride company. They</p> <p>10 need food, games, so forth, so.</p> <p>11 Q. So is your answer that Delta Fair,</p> <p>12 Incorporated does the same thing as Universal</p> <p>13 Fairs, LLC when it puts on a fair?</p> <p>14 A. Not entirely.</p> <p>15 Q. What are the differences?</p> <p>16 A. The Delta Fair has a livestock show.</p> <p>17 The Delta Fair has a crafts corner and</p> <p>18 collectible program. The Delta Fair has a beauty</p> <p>19 pageant. The Delta Fair has a talent show. The</p> <p>20 Delta Fair has a Delta Fair Queen that wins the</p> <p>21 talent show -- I mean, we have a beauty pageant.</p> <p>22 Delta Fair is the only place that we</p> <p>23 have a large exhibit hall, air-conditioned</p> <p>24 exhibit hall. So it's more of a true state fair.</p>
<p style="text-align: right;"><b>36</b></p> <p>1 It's bigger than some state fairs. So it's more</p> <p>2 of a state fair.</p> <p>3 And the others are -- we'd like for them</p> <p>4 to be that way but they're not, and there are</p> <p>5 various reasons. But it is -- the other ones are</p> <p>6 more like a glorified carnival. You know, like</p> <p>7 sometimes they might set rides up in a mall</p> <p>8 parking lot, you know, kind of like the Mid-South</p> <p>9 Fair is now. They are just a glorified carnival.</p> <p>10 They don't have livestock. They don't</p> <p>11 have -- they have a talent show, and that's about</p> <p>12 it. Rides, food, games, other than that, they</p> <p>13 are just a carnival.</p> <p>14 Q. So as far as your duties with respect to</p> <p>15 each of the companies we have been talking about,</p> <p>16 would you say that your duties are largely the</p> <p>17 same but the -- with Universal Fairs sometimes</p> <p>18 the attraction, the type of attraction, or the</p> <p>19 magnitude of the fair is different?</p> <p>20 A. Yes. Similar to ExpoSouth, my duties</p> <p>21 are the same. I buy the advertising. If we have</p> <p>22 any attractions, which if we do there will just</p> <p>23 be one.</p> <p>24 The boat show, the hunting show, the</p>	<p style="text-align: right;"><b>37</b></p> <p>1 home and garden show, those type things, my duty</p> <p>2 on that is oversee, make sure everything goes the</p> <p>3 way it's supposed to, primarily secure the leases</p> <p>4 at the venues, and buy the advertising for those</p> <p>5 events, and then just manage my employees.</p> <p>6 Q. On its website, Universal Fairs, LLC</p> <p>7 advertises that it plans midways. Tell me what</p> <p>8 is involved with planning a midway?</p> <p>9 A. I don't think it says that, does it?</p> <p>10 Q. It says -- well, maybe it uses the term</p> <p>11 layout, planning layouts. Can you tell me what a</p> <p>12 layout is?</p> <p>13 A. I don't think it says that either.</p> <p>14 Q. Okay.</p> <p>15 A. Now -- yeah, I don't think it says that.</p> <p>16 Q. Does Universal Fairs, LLC plan layouts?</p> <p>17 A. Depends on what you're talking about.</p> <p>18 Do we lay out -- do we have the overall layout,</p> <p>19 the general concept of the layout of our events?</p> <p>20 Yes.</p> <p>21 Do we lay out the midway where the rides</p> <p>22 go? No.</p> <p>23 Q. Is that the proper term when you're</p> <p>24 talking about --</p>

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<p style="text-align: right;"><b>98</b></p> <p>1       A.    The Vivonas will sell the tickets or  2 wrist bands, and then they collect all the money  3 each day. And the next day we get a percentage  4 of what they collected the previous day.  5       We normally issue them wrist band  6 tickets. They don't actually have wrist bands.  7 Most people do. We issue them wrist band  8 tickets, and they sell the tickets. And then  9 they exchange the ticket from the customer with a  10 hand stamp. We inventory the tickets before and  11 after.  12       Q.    What is the percentage of the ride gross  13 that Delta Fair, Inc. receives?  14       A.    It's -- I can't remember. I think it  15 starts out at, I think, forty, and then once it  16 hits a certain amount, it bumps up to forty-five.  17       Q.    Would that have been the case at the  18 2016 Delta Fair and Music Festival?  19       A.    I don't know the exact numbers, but,  20 yeah, probably. That's close.  21       Q.    Does Delta Fair, Inc. share a percentage  22 in any of the other gross receipts that  23 Amusements of America might collect?  24       A.    No, sir.</p>	<p style="text-align: right;"><b>99</b></p> <p>1       Q.    How about the games, is that included in  2 the ride gross you discussed?  3       A.    No, sir.  4       Q.    If I were to -- well, can you describe  5 to the jury in general terms the role that Delta  6 Fair, Inc. played at the 2016 Delta Fair and  7 Music Festival, vis-a-vis the role that  8 Amusements of America, Inc. played?  9       A.    What is their role and what is our role?  10       Q.    Right, yeah.  11       A.    Their role is to bring rides, set up  12 rides, operate rides, sell ride tickets, tear the  13 rides down and haul them off. Ours is everything  14 else.  15       Q.    And does Delta Fair, Inc. ever have any  16 involvement in designing the general layout of  17 the Delta Fair and Music Festival?  18       A.    Of the general layout of the entire  19 festival, we have an input on the general layout  20 of it.  21       Q.    Describe to the jury the input that  22 Delta Fair, Inc. has?  23       A.    Basically since the jury can see me,  24 this is where the food joints go (indicating),</p>
<p style="text-align: right;"><b>100</b></p> <p>1 this is where our attractions go. Everything  2 else is where y'all can put rides.  3       Q.    So Delta Fair, Inc. makes the  4 determination of where the food joints are laid  5 out?  6       A.    Where our independent food joints are,  7 not the A of A's joints.  8       Q.    I understand. And then Delta Fair also  9 makes the determination of where on the  10 property the -- I'm sorry, I forgot.  11       A.    The attractions.  12       Q.    Such as the livestock?  13       A.    Yes.  14       Q.    Does Delta Fair, Inc. have any input at  15 all with respect to the location of particular  16 rides provided by Amusements of America, Inc.?  17       A.    No, sir.  18       Q.    Why is that?  19       A.    Why is -- why do we not have --  20       Q.    Right.  21       A.    We give them a general area, that is  22 where you put the rides. And they know, you  23 know, they are the experts.  24       We rely on them to set them up to give</p>	<p style="text-align: right;"><b>101</b></p> <p>1 it a good flow of people and to space -- you  2 don't want to put all your best rides together  3 and make that area all congested.  4       So you want to put -- let's just call it  5 a not-so-popular ride and then a popular ride and  6 spread it out so all your people aren't all --  7 crowd control.  8       Q.    And that's to maximize the revenues of  9 the rides and attractions, correct?  10       A.    That is one of the reasons. Public  11 safety is another.  12       Q.    Does Delta Fair, Inc. have any  13 responsibility for public safety at the Delta  14 Fair and Music Festival?  15       MR. MAST: Objection to form.  16       A.    Yes.  17       Q.    What responsibility do they have?  18       MR. MAST: Objection to form.  19       A.    I guess that means answer the question.  20       MR. MAST: You can still answer the  21 question, yes. Sorry.  22       THE WITNESS: We make sure that the --  23 if someone needs medical attention, we provide  24 trained personnel to take care of medical stuff.</p>